IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.5454 OF 2005

Mather & Platt Pumps Ltd. .. Petitioner

v/s.

Dattakumar S.Vaidya & ors. .. Respondents

ALONGWITH

WRIT PETITION NO.6286 OF 2005

Mather & Platt Pumps (I) Ltd. .. Petitioner

v/s.

Dattakumar S.Vaidya & ors. .. Respondents

Mr.C.U.Singh with Ms.N.D'Souza i/by M/s.Haresh Mehta & Co. for the petitioner.

Ms.Gayatri Singh for the respondents.

**CORAM : SMT.NISHITA MHATRE, J**.

**DATED : 29th September, 2005**

**P.C.**

The grievance made by the petitioners in both the petitions is that because of certain observations made by the Industrial Court in its order dated 13th January, 2005 in complaint (ULP) Nos.206 to 212 of 2003 that the Industrial Court in a subsequent complaint being complaint (ULP) Nos.141 to 147 of 2005 has granted interim relief. Complaints (ULP) Nos.206 to 212 of 2003 were filed

under items 3,9 and 10 of Schedule IV of the MRTU & PULP Act. The complainants alleged that they were the employees of Mather & Platt Pumps Limited and not Mather & Platt (India) Limited and therefore, transfer orders issued by Mather & Platt (India) Limited could not be effected. These complaints came to be allowed by the Industrial Court. However, there are certain observations made by the Industrial Court in its judgment which are at pages 104 of the writ petition No.5454 of 2005 which according to the petitioner do not seem to be correct and are in fact typographical errors. However, without going into the question whether these observations are right, the Industrial Court will decide the complaints (ULP) Nos.141 to 147 of 2005 regardless these observations which are as under:-

> "Moreover, complainants are transferred to such places where Mather & Platt Pumps Ltd. do not work. Once the complainants are the employees of Mather & Platt Pumps Ltd., they cannot be transferred to other companies. In such circumstances, transfer orders issued by the respondent, in respect of the complainants for effecting the transfer of the complainants for effecting the transfer of the complainants to such places where Mather & Platt Pumps Ltd. do not work, are improper and contrary to the scheme of demerger as evident from company petition."

2. The Industrial Court shall decide the complaint (ULP) Nos.141 to 147 of 2005 without reference to the above observations. The Industrial Court will

decide whether the complainants in those complaints have made out a case that the transfer orders issued to them are malafide and unfair labour practices have been committed under items 3,9 and 10 of Schedule IV the MRTU & PULP Act. The Industrial Court shall decide the complaints by 31st January, 2006.

3. Both the petitions are accordingly, disposed of.

**(SMT.NISHITA MHATRE, J.)**